

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/773,424	DAIGLE, MARIE A.	
	Examiner	Art Unit	
	Dmitry Suhol	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to applicants amendment filed 8/24/2005.
2.  The allowed claim(s) is/are 4-6-16 and 18-20.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review ( PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 092805.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Basile and Ms. Chadwell on September 27<sup>th</sup>, 2005.

The claims have been amended as follow:

Claims 2, 21, 22, 23 and 24 have been canceled.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: The specific limitations of (with respect to claims 6 and 18) "...the lip adjustor(s) comprises:

a first cord disposed along a length of the cavity of the respective lip, wherein the first cord comprises:

a first terminal end secured to a first point in the cavity of the respective lip; and a second terminal end extending outwardly from the cavity of the respective lip; a first toggle disposed on a portion of the first cord extending outwardly away from the cavity of the respective lip; a second cord disposed along the length of the cavity of the respective lip, wherein the second cord comprises:

a first terminal end secured to a second point in the cavity of the respective lip; and a second terminal end extending outwardly from the cavity of the respective lip; and

a second toggle disposed on a portion of the second cord extending outwardly away from the cavity of the respective lip", (with respect to claim 13) "...an oral cavity comprising:

an upper portion disposed on the upper interior surface of the upper member, wherein the upper portion comprises a back side joined to a front side to form a U-shaped structure, wherein the U-shaped structure comprises:

a concave end forming a second upper proximal end; and a planar end forming a second upper distal end; wherein the second upper proximal end is joined to the second upper distal end; an upper row of teeth disposed on a surface of the upper portion opposite the upper member; a lower portion disposed on the lower interior surface of the lower member; wherein the lower portion comprises a back side joined to a front side to form a U-shaped structure, wherein the U-shaped structure comprises:

a concave end forming a second lower proximal end; and a planar end forming a second lower distal end; wherein the second lower proximal end is joined to the second lower distal end; a lower row of teeth disposed on a surface of the lower portion opposite to the lower member; and a transition element joining the second upper distal end to the second lower distal end, wherein the transition element comprises a second opening aligned with the first opening of the connecting region of the main member" are not anticipated or made obvious over the prior art of record. For example, Mandle '645 and Angelotti '071 both disclose phonological manipulative tools which teach the use of a mouth and poseable tongue to demonstrate lip, jaw and tongue movements as they

relate to speech, however the prior art of record fails to disclose or teach a lip adjustor and an oral cavity with the above structural features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dmitry Suhol

Application/Control Number: 10/773,424  
Art Unit: 3725

Page 5

Examiner  
Art Unit 3725

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